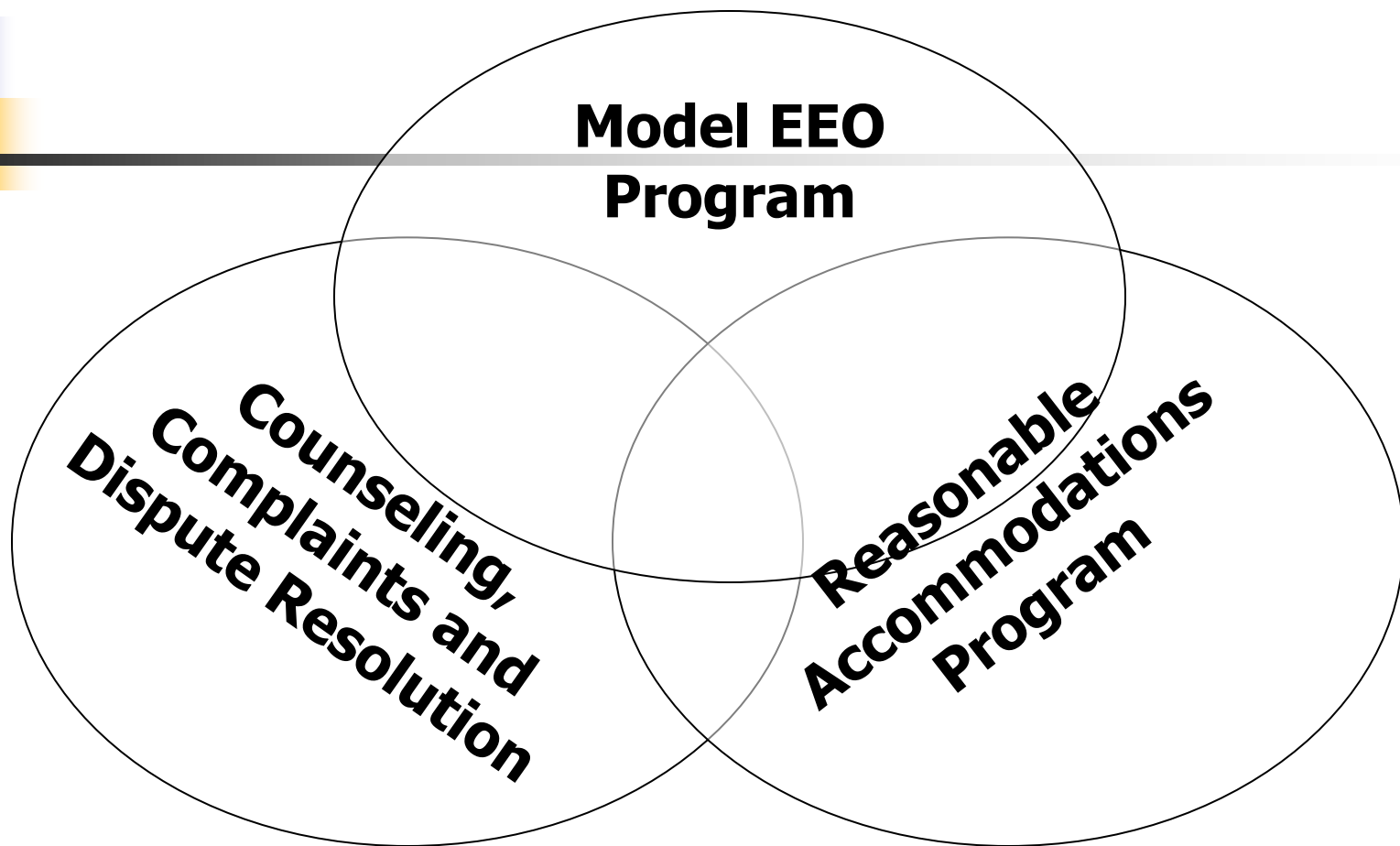


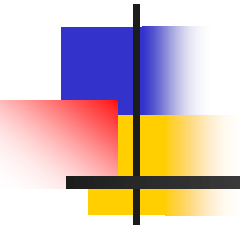
**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**



**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

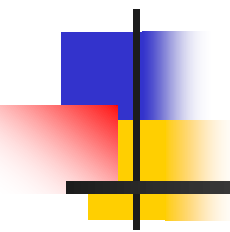
# **DON EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS... APPLICABILITY**



- 
- Former employees, current employees or applicants for employment have a right to seek counseling in the EEO process.
  - If you are a manager or supervisor of civilian employees, you have the right, the opportunity and the obligation to participate in the EEO process.
  - For managers and supervisors, your actions or lack of action could become a liability for the agency.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

**ALL DON EEO COMPLAINTS WILL BE  
RESOLVED**



**The question is: when will it be resolved, how much  
say will you have in the outcome and  
If it will be a win/win or a win/lose outcome.**

---

***Title VII, Civil Rights Act “The Law” Equal Employment  
Opportunity Commission***

***29 Code of Federal Regulation, Part 1614, Federal Sector  
EEO***

***SECNAVINST 5300.26D, DoN Policy on Sexual Harassment***

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **EEO COMPLAINT PROCESS**

**Works in 2 parts or stages**



**Counseling stage (Pre-Complaint) and  
Formal Complaint**

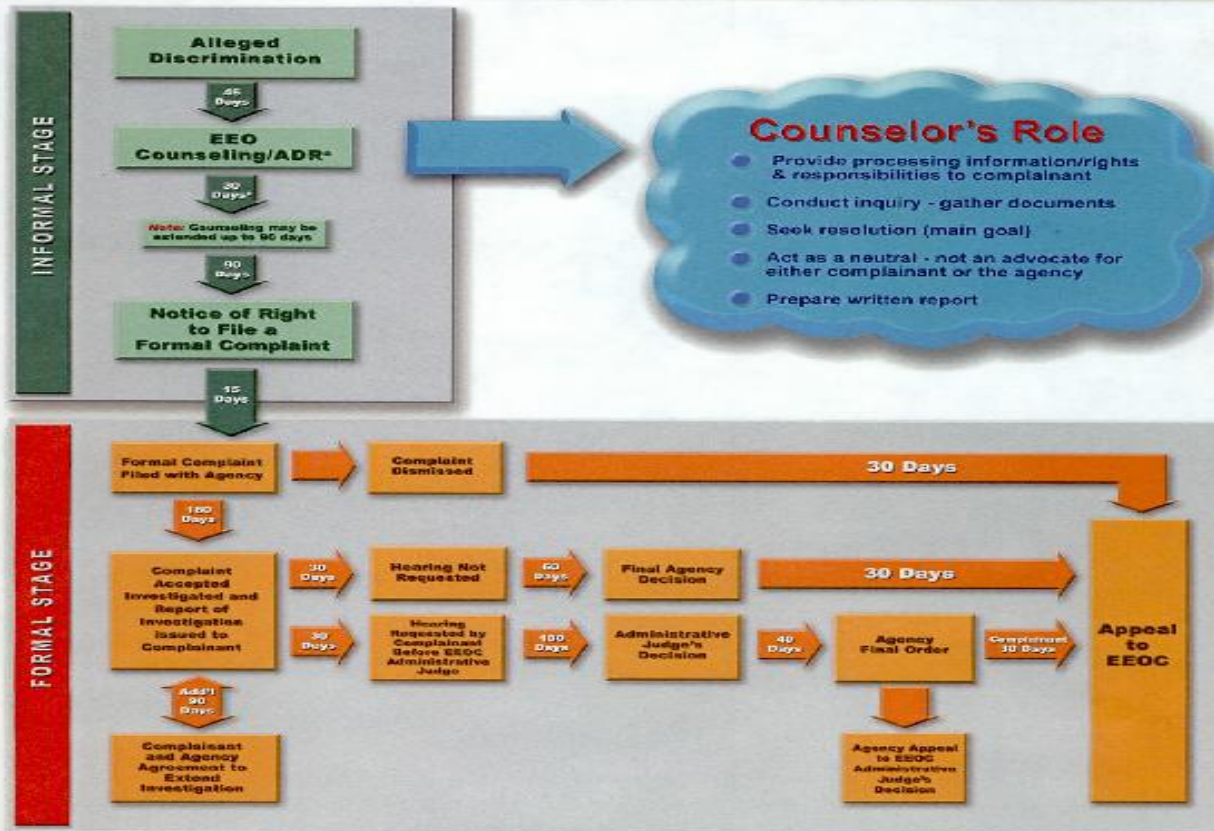
---

***Counseling* process – Employee and agency have more control over outcome .**

***Formal Complaint* process – EEOC or DoN controls outcome.**

# OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY HEADQUARTERS, U.S. MARINE CORPS

## The EEO Administrative Complaint Process With Related Time Frames



\*EEOC is an independent agency that reports to the executive branch. It is not a part of the Department of Defense and does not have the authority to conduct investigations of alleged discrimination.

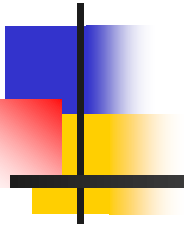
\*Where the agency agrees to offer ADR in the particular case, complainants may choose to participate in ADR and counseling sessions.

ADR generally refers to any procedure agreed to by the parties to a dispute that is used to resolve issues in controversy including, but not limited to, mediation.

Within ADR is chosen, the parties have up to 90 days to which to complete resolution.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

**COUNSELING STAGE  
INTENT IS RESOLUTION**



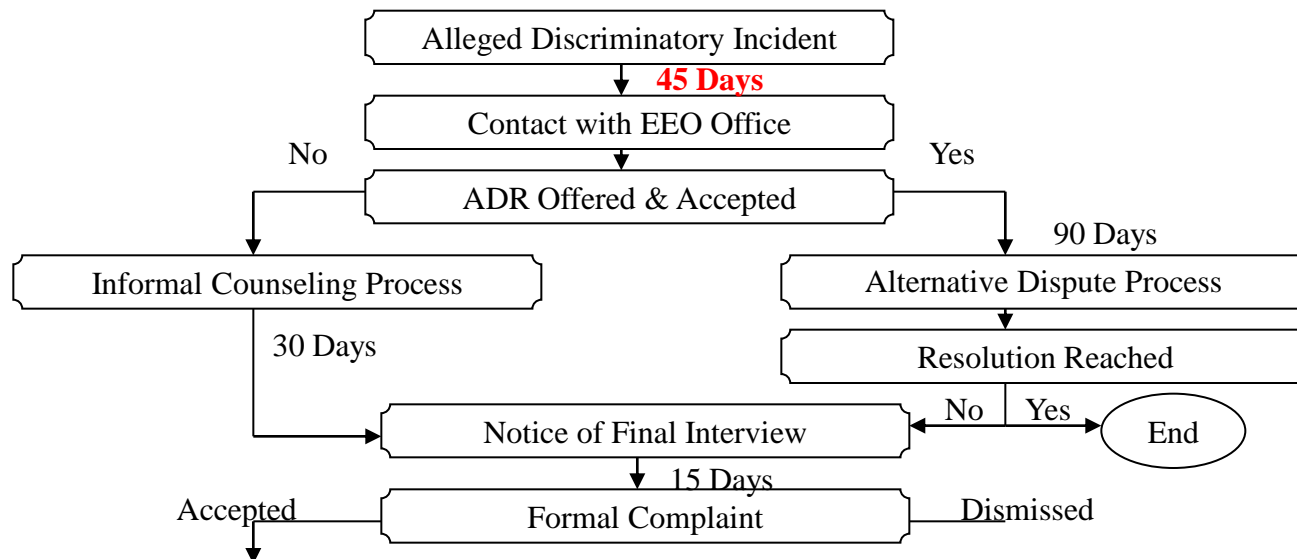
Employee has **45 days** from the incident to seek counseling from the EEO Office.

Counselor has 30 days to **resolve** the issue -  
Alternative Dispute Resolution may be offered.

If no resolution between complainant and agency,  
complainant has the right to file a formal complaint.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **THE COUNSELING STAGE (PRE-COMPLAINT) IS YOUR BEST OPPORTUNITY TO EXERCISE CONTROL OVER THE OUTCOME**



***29 CFR, PART 1614, EFFECTIVE 9 NOVEMBER 1999***

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

**FORMAL STAGE**



**INTENT IS TO DETERMINE IF *ILLEGAL*  
DISCRIMINATION OCCURRED**

---

**Formal EEO Complaints are investigated by Civilian Personnel Management Services (CPMS) Investigations and Resolutions (IRD) office.**

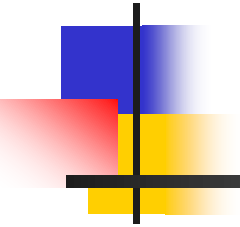
**IRD provides a “Report of Investigation” (ROI) - report does not state whether illegal discrimination occurred or not.**

**Employee has three options: 1) Request a hearing before an EEOC Admin Judge (AJ), 2) Request an AJ review the ROI and make a decision or 3) Request DoN review the record and make a Final Agency Decision (FAD).**

**If a ruling of no discrimination, employee may appeal the decision.**

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

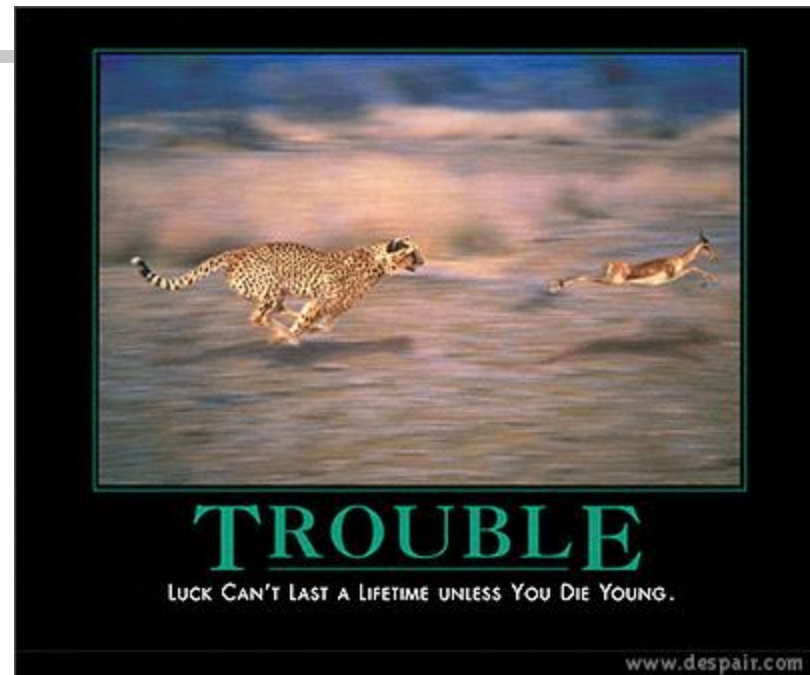
# EEO COMPLAINT PROCESS



**Who can file?**

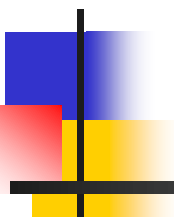
**How do I file?**

**Must I tell my supervisor?**



**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

## **WHAT COULD BE AN EEO COMPLAINT**



---

Non selection; Performance evaluation;  
Counseling session; Not promoted; Parking spaces  
Conduct of other employees; Denial of leave;  
Change to work hours; Terminated; Change to security  
clearance; Denial of an Accommodation.

***Any personnel action taken, or not taken,  
could become an EEO complaint.***

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

## **WHAT ARE THE BASIS FOR AN EEO COMPLAINT**



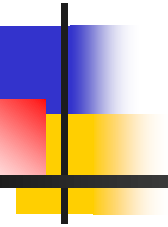
---

**The “protected groups” under Title VII, CRA of 1964 , the Rehab Act of 1973 and the Genetic Information Nondiscrimination Act include:**

***Race, Color, Sex, Religion, Age, Disability,  
National Origin, Genetic Information and  
Reprisal***

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

**WHAT IF YOU DO EVERYTHING RIGHT?**



**Can an employee or applicant still file a complaint??**


**Yes.**

**What makes the complaint legitimate??**

**Title VII, it's the law.**

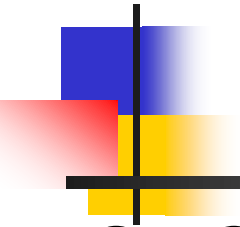
**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

## **EEO COUNSELOR ROLE AND RESPONSIBILITIES**

- 
- **Technical Assistance/Subject Matter Expert**
  - **Neutral party, no vested interest**
  - **Not an advocate or a Judge**
  - **Initial inquiry limited to collection of primary facts**
  - **Explain the process to complainant & agency**
  - **Assist the DEEO w/implementation of program**
  - **Resolution at the lowest level**

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# SEXUAL HARASSMENT



- 
- SECNAVINST 5300.26D
  - Title 10, Section 1561 Investigation
  - Form of sexual discrimination
  - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature

# SEXUAL HARASSMENT

## Two Types

---

- Quid pro quo
- Hostile work environment

*Sexual harassment/discrimination may occur in or out of the work place.*

*The work place extends to official functions and TAD trips.*

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **SEXUAL HARASSMENT QUID PRO QUO**



---

***Jim, a restaurant manager, tells waitress Sara that she'd better “be nice” to him if she wants to get a day off.***

***In a job interview, the store manager Roxanne tells Jack, a summer intern, that he'll have a permanent job if he sleeps with her.***

***When David's secretary Rosa cuts off their office romance, David puts Rosa on a performance improvement plan (PIP), despite her excellent performance ratings.***

***After Cheryl refuses to date her foreman, he gives her all the “dirty jobs”.***

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **SEXUAL HARASSMENT HOSTILE WORK ENVIRONMENT**



---

***Ed, the site manager, constantly calls his admin assistant sweetie and during staff meetings has compared her to a “Hooters Girl” model.***

***Cheryl, a co-worker, has been sending you e-mails from her home. She uses a picture of her in a bikini as background for her personal e-mails. In the office, she has a habit of suggestively licking her lips when she talks with you.***

***Two Marines have a contest going of who can find the sexiest screen saver.***

***Two male co-workers collect adult films. They generally talk about the latest reviews/releases when they meet up at the customer service counter in front of the secretary.***

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **SEXUAL HARASSMENT**

*Unwelcomeness: How does the employee or supervisor know the behavior is unwelcome?*



*You should say, in no uncertain terms, the behavior is unwelcome.*

---

*Here are some general guidelines on behavior:*

- *Respect the people around you,*
- *Think before acting,*
- *Imagine how other people might be feeling,*
- *Exercise professionalism and common courtesy and*
- *Think twice before making a joke at work.*

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

... “other conduct of a sexual nature”???



**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

***Conduct of a sexual nature*** may consist of sexually explicit behavior or comments; verbal or non-verbal, sexual innuendos or behavior; or comments that are sex-based and directed against someone because of his or her gender.



**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# SEXUAL HARASSMENT

## Intent vs. Impact



---

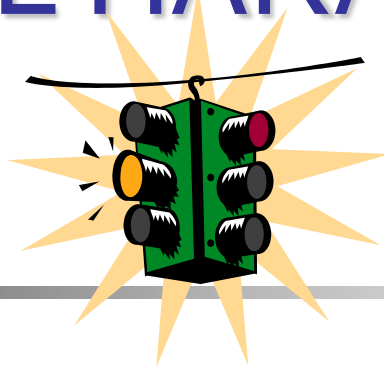
*It is important to understand that intent is not relevant in determining whether or not a behavior is sexual harassment. What matters is the impact of the behavior on the work environment. Regardless of intent, the behavior will be judged on its impact upon the work environment.*

*This fact is critically important: The statement, "I didn't mean anything by it," is not a valid defense of harassing behavior.*

*What is harmless joking to one person may be grossly offensive to another. Men and women have very different ways of perceiving behavior.*

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# SEXUAL HARASSMENT



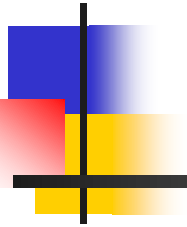
**RED ZONE.** *Always considered sexual harassment: sexual favors in return for employment rewards, threats if sexual favors are not provided, sexually explicit pictures (including calendars/posters) or remarks, using status to request dates, or obscene letters or comments.*

**YELLOW ZONE.** *Many find these behaviors unacceptable and they could be sexual harassment: violating personal space, questions about personal life, lewd or suggestive comments, suggestive posters or calendars, off-color jokes, leering, staring, repeated requests for dates, foul language, unwanted letters/e-mails or sexually suggestive touching or gesturing.*

**GREEN ZONE.** *Touching (such as shaking hands, or a friendly pat on the shoulder) counseling on appearance, social interaction, showing concern or encouragement, a polite compliment, or friendly conversation.*

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# SEXUAL HARASSMENT



*Sexual harassment may occur in a variety of circumstances:*

- To you, personally*
- Peer to peer harassment,*
- Subordinate harassment of a supervisor,*
- Men can be sexually harassed by women,*
- Same sex harassment - men can harass men; women can harass women,*
- Third party harassment, and*
- Offenders can be supervisors, co-workers, or non-employees, such as customers, vendors, and suppliers.*

OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS

# WHAT DO I DO?

Leadership must look into the allegations regardless of the employees' desires.



---

## Manager

Contact your EEO office or counsel

***Must exercise Title 10 process***

Separate employees

Appropriate disciplinary action

## Employee

Advise your supervisor

Put the offender on notice


Record dates; times; who may have witnessed

May file an EEO complaint

***Participate in management directed Title 10 process***

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **ALTERNATIVE DISPUTE RESOLUTION (ADR)**



---

Any procedure which is used in lieu of a formal process or litigation to resolve conflicts and issues in controversy; including, but not limited to, partnering, conciliation, facilitation, mediation, ombudsmanship, fact finding, mini-trials, neutral evaluation, and arbitration or any combination thereof.

***SECNAVINST 5800 - Navy ADR Policy***

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **ALTERNATIVE DISPUTE RESOLUTION (ADR)**



---

Great resolution rate! Of 12 mediations held this year, 10 have resulted in a resolution = 83% success rate.

In house mediator allows for swift scheduling.

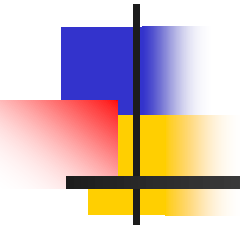
DoN award winning program for last 4 years.

Best opportunity for win/win.

Promotes healthy professional relationships.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

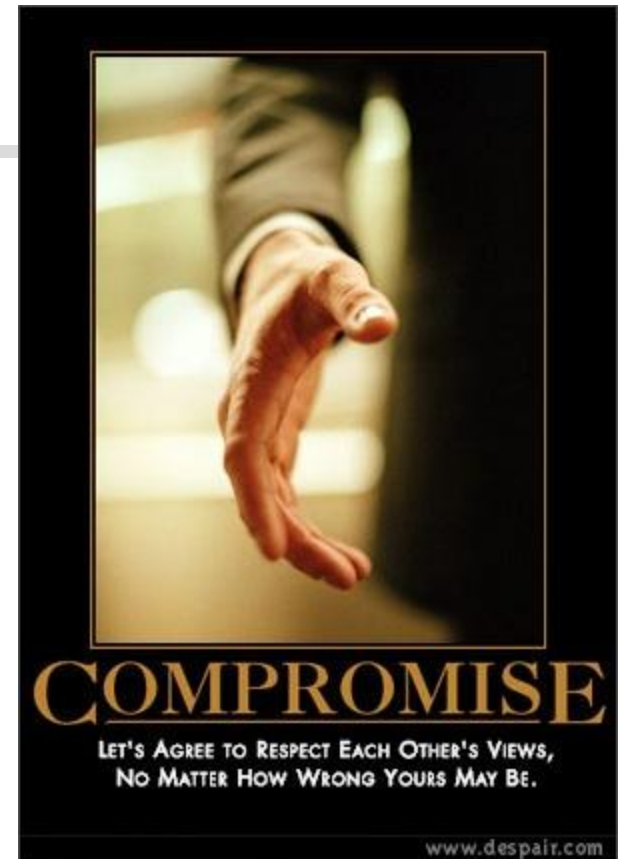
# **ADR Why Should I Mediate?**



Resolution of workplace disputes.

Resolution of EEO complaints.

DoN requires a rejection of ADR  
to be in writing from the next level  
supervisor.



**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **ACCOMMODATIONS**



---

## **RELIGIOUS or MEDICAL**



**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# RELIGIOUS ACCOMMODATIONS



Is it ok to pray in the office?

Can I ask other employees to join me in prayer?

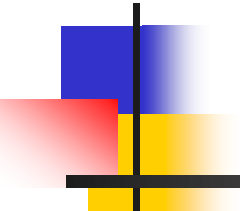
Can I display the Koran on my desk?

Can I send religious e-mails?

Who determines what's reasonable?

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **REASONABLE ACCOMMODATIONS**



**What is a reasonable accommodation (RA)?**

**What is a disability? and**

**Who is a “qualified person with a disability”?**


Whenever an employee asks for a change to his/her job, based on a medical condition, the employee has just asked for a reasonable accommodation.

***EEOC enforcement guidance 17 Oct 02***

The request is the first step in an informal, interactive process between leadership and the employee. DoN must have a record of the request and subsequent response.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

**Recent examples of medical issues include:** hearing and vision impairments, mental health issues, arthritis, fibromyalgia and Post Traumatic Stress Disorder (PTSD).



---

**Accommodations can include:** adaptive equipment, assistive technology, ergonomic adjustments, modified workplace policies, tele-work, and schedule changes, just to name a few. Most accommodations are free or of minimal cost.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **REASONABLE ACCOMMODATIONS**



**What do I tell the other employees?** "I don't discuss your employment situation with 'Joe' and I'm not going to discuss his employment situation with you."


**What do I disclose about medical information?** Nothing.

**How is the RA process initiated?** Contact the EEO office.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# MODEL EEO PROGRAM

## Management Directive (MD) 715




---

The Equal Employment Opportunity Commission (EEOC) requires federal agencies to annually review their procedures and practices to determine if those practices have any negative affects on the agencies' ability to attract and retain the best available talent.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

## **Hiring Individuals With Targeted Disabilities (IWTD)**



Targeted disabilities are those disabilities which the federal government, as a matter of policy, has identified for special emphasis.

---

Targeted disabilities include: deafness, blindness, missing extremities, partial paralysis, complete paralysis, convulsive disorders, mental retardation, mental illness and distortion of limb or spine.

DoN has a goal of having at least 2% of the workforce members with 'targeted disabilities'.

Talk with your Workforce Planner at HROM for information on hiring strategies which allow you to hire qualified applicants with 'Targeted Disabilities' with minimal time and effort.

OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS

# SELECTIONS/HIRING INTERVIEWS



*Your HROM workforce planner is your primary source for guidance* on questions. The EEO office will also review your interview questions for EEO related concerns.

Don't ask questions about a person's limitations/disability.

Keep questions focused on job responsibilities and requirements.

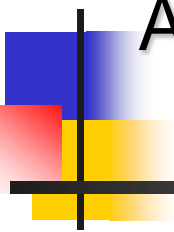
Be consistent – ask the same questions of each applicant.

Keep records of the selection process.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

# **NO FEAR ACT**

## **Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002**



---

The No Fear Act is intended to help protect federal employees from unlawful discrimination, retaliation and whistleblower reprisal.

Employees can contact the EEO office to discuss or file complaints dealing with antidiscrimination. Employees should contact the local Inspectors office to discuss issues of Whistleblower Protection.

**OFFICE OF  
EQUAL EMPLOYMENT OPPORTUNITY  
HEADQUARTERS, U.S. MARINE CORPS**

**YOUR EEO STAFF**

Mr. J. Johnson,,Deputy EEO Officer, 2 Navy Annex, Rm 1115, Washington, DC 20380 (703) 614-2046 or (703) 784-2368 [judge.johnson@usmc.mil](mailto:judge.johnson@usmc.mil)

Web site: <http://www.marines.mil/unit/hqmc/hr/Pages/default.aspx>.



Ms. Joyce Perry, Model EEO Program Manager, Pentagon Rm 2B248A, 571-256-8301 [joyce.perry@usmc.mil](mailto:joyce.perry@usmc.mil)

Ms. Paula Bedford, Dispute Resolution Manager, 2004 Barnett Ave, Quantico, VA (703) 784-2946 [paula.bedford@usmc.mil](mailto:paula.bedford@usmc.mil)

Ms. Tina Sansone, Reasonable Accommodation Program Manager, 2004 Barnett Ave, Quantico VA (703) 784-2281 [margaretina.sansone@usmc.mil](mailto:margaretina.sansone@usmc.mil)

Mr. Howard Jimenez, Complaints Manger, Pentagon Rm, 2B248A, 571-256-8302, [howard.jimenez@usmc.mil](mailto:howard.jimenez@usmc.mil)